UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **FRAGOSO-Arredondo, Jose Ruben** Defendant,	Magistrate Docket No. 08 MJ 1796 Case No. ______ 08 JUN -9 PM 3:53 COMPLAINT FOR VIOLATION OF: **Title 8, U.S.C., Section 1326** DEPUTY Deported Alien Found in the United States (Felony)

The undersigned complainant, being duly sworn, states:

On or about June 1, 2008, within the Southern District of California, Defendant Jose Ruben FRAGOSO-Arredondo, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Michael Haynes

Special Agent Michael Haynes
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF JUNE 2008.

Ruben Brooks

Hon. Ruben B. Brooks
U.S. Magistrate Judge

PROBABLE CAUSE STATEMENT

I, Special Agent Michael Haynes, U.S. Immigration & Customs Enforcement ("ICE"), declare under penalty of perjury, the following is true and correct:

On the afternoon of June 1, 2008, officers of the San Diego Police Department contacted and interviewed an individual identified as Jose Ruben FRAGOSO-Arredondo within the city of San Diego, California. On that same afternoon, I was contacted and notified about this encounter. I conducted a telephonic inquiry of records and determined that this person been deported from the United States to Mexico in 2005. I further determined that there was no indication that he had lawfully returned to the United States after deportation.

On or about June 6, 2008, I reviewed documents from FRAGOSO's alien file and other records maintained by the U.S. Department of Homeland Security. As part of this review, I observed an immigration judge's order of removal dated October 8, 1998. I also reviewed a form I-205 (Warrant of Deportation/Removal) that documents FRAGOSO's physical removal from the United States to Mexico on April 25, 2005. A form I-213 (Record of Deportable/Inadmissible Alien) that identifies FRAGOSO as both a native and citizen of Mexico was reviewed, as were fingerprints and photographs taken by U.S. immigration officers in preparation for FRAGOSO's deportation.

On June 9, 2008, I spoke with Detective Chris Tews of the San Diego Police Department. Detective Tews provided me with his report relating to his encounter with FRAGOSO on the afternoon of June 1, 2008. During that encounter, FRAGOSO was identified by Detective Tews by name and date of birth. Detective Tews further interviewed FRAGOSO who made the unsolicited remark in Detective Tew's presence that he had been deported from the United States previously and did not wish to again be deported.

I could find no indication during my review of records that FRAGOSO had applied for or received permission to lawfully return to the United States after deportation.